

1 There was considerable testimony from persons attending the February 28, 2008 public meeting, both
2 positive and negative. The negative comments included observations that there would need to be a much
3 higher ratio of increased density on the receiving parcels to create an incentive; observations that density
4 exchange works quite well in western Howard County for many reasons, but is unlikely to work in eastern
5 Howard County; an observation that it is not prudent to allow PGCC District properties to receive density due
6 to the large potential for density in that district that already exists; and observations that enforcing the
7 preservation easements may be a problem. The positive comments included observations that the amendments
8 will slow the ever-increasing density within older neighborhoods; will have environmental benefits; and will
9 be a good direction to addressing some of the problems associated with infill development.

10 During its worksession, the Planning Board discussed the legislation's strategic intent, plausibility,
11 and likely impact. The Planning Board recognizes the unique circumstances and pressures for development
12 within the Planned Service Area and supports the addition of avenues to achieve a better balance between
13 existing and new development. Through ZRA 95 it will be possible to encourage preservation, facilitate
14 smart growth, and ensure compatibility with established neighborhoods. The Planning Board also believes
15 that ZRA 95 presents an opportunity to further implement the County Executive's green building policy. The
16 Planning Board's recommendations are offered to enhance the use and success of the density exchange
17 process. In order to encourage parcel preservation, the process must be advantageous to the seller and the
18 buyer. The process must be not only useable but easy to use and offer a degree of certainty of approval
19 provided defined criteria are satisfied. The below are recommended by the Planning.

- 20
21 • **Expand the receiving parcel zones to include R-20 and R-12** The Planning Board was concerned
22 with whether the potential number of units from sending parcels could dwarf the ability of the
23 receiving parcels to absorb them. Unless there are enough perceived available receiving parcels,
24 sending parcel owners may be discouraged from participating. If that is the case, development might
25 inadvertently occur on the potential sending parcels. Upon examination of the number of receiving
26 parcels, the Planning Board determined there were too limited a number of parcels available and that
27 some zones would not likely be recipients due to developments already not achieving the zone's
28 maximum density potential or limited parcels available to receive due to numerous projects already
29 underway, or zones that would require Zoning Board action. The Planning Board recommends
30 including R-20 and R-12 parcels over 5 acres in size as receiving parcels. Bonus density to
31 accommodate tighter clustering, and greater open space is required.
- 32 • **Include only PGCC-1 Residential Subdistrict instead of all of PGCC** The Planning Board
33 concludes that all possible zones should be utilized to ensure the viability of density exchange
34 process. However, in the case of PGCC, the Planning Board does not support including the entire

1 zone. Instead, Planning Board is recommending that only the residential subdistrict of PGCC-1,
2 which is commercial with concentrated residential density, be included. Density should not be
3 received on the pure residential side. The Planning Board notes that any density received would be
4 subject to AFPO requirements and testing. The Planning Board also recommends that at some point
5 the criteria in the regulations for determining approval of exchanged density for PGCC be reviewed
6 for sufficiency.

- 7 • **Evaluate further the potential to include the NT district in some way as a receiving zone** The
8 Planning Board acknowledges how difficult it would be at this time to include the NT zone.
9 However, having density received by the NT district could facilitate the revitalization of Columbia.
10 The Planning Board recommends that when the new vision and supporting zoning regulations for
11 Columbia are proposed, they should include a component enabling the receipt of density.
- 12 • **Cap density sent rather than limiting sending parcel size** As presently written, larger parcels in R-
13 20 and R-ED are not eligible for preservation because only 2 or less net acres may be preserved.
14 This policy preventing larger parcels from be preserved may have the unintended consequence of
15 sparking development on these large parcels in order for the owner to realize some financial gain
16 from the property. The Planning Board views excluding parcels greater than 2 net acres as a missed
17 opportunity. In order to achieve preservation but not over saturate the market and the receiving
18 parcels with too many exchanged units, the Planning Board suggests capping the number of units any
19 parcel can send to 3 and eliminating the maximum acreage requirement. Capping the density sent
20 from a parcel to 3 units regardless of full potential may encourage some large parcel owners to
21 preserve instead of develop in order to receive some financial benefit. Using a cap instead of a
22 maximum acreage requirement permits preservation of parcels that might have been developed;
23 gaining even more preserved land than originally predicted.
24 Given the environmental friendly intent of the R-ED zone, the Planning Board is recommending that
25 R-20 receiving parcels be developed for single family detached homes only using R-ED
26 requirements. In order to ensure citizens concerns are heard, any parcel using this process would be
27 reviewed and approved by the Planning Board. See Attachment I for suggested language.
- 28 • **Require R-20 parcels being developed under R-ED be subject to green building requirements**
29 **(Title 16.144 Subdivision and Land Development Regulations and Title 3.100, Howard County**
30 **Green Building Law)** The County Executive's green building initiative needs a mechanism to foster
31 its use. Only one project is currently in the pipeline. Including the green building law in the
32 regulation would permit green development with the stipulation and safeguard of Planning Board
33 review. An added incentive for developers to use the green building law is the availability of bonus
34 density and access to the 100 allocations specifically devoted to green development.

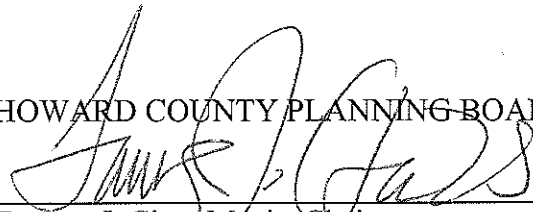
- 1 • **Investigate further the Department of Planning and Zoning's recommendation to permit**
2 **increased density of 15% for receiving parcels in R-20 developing under R-ED regulations**
3 **using green building requirements.** Some members were concerned that requiring R-20 parcels
4 receiving density and being developed using R-ED regulations might find the green building
5 requirements too restrictive and financially burdensome. In response to this concern, the Department
6 of Planning and Zoning suggested that these receive a density exchange bonus of 15% instead of 10%
7 as an incentive to encourage green building requirements.
- 8 • **Revise density receiving cap to 10% for all receiving zones** The Planning Board was concerned
9 for areas capped at 5% would eliminate developments less than 40 units because the cost of trying to
10 incorporate only one unit would be greater than the gain from that additional unit. Having 10% for all
11 zones includes projects of at least 20 units or greater. Planning Board is still uncertain if projects
12 sized between 10 and 19 units would participate given that the benefit of the additional unit is less
13 than the cost of incorporating it.
- 14 • **Remove the proposed limitation on a sending parcel's new construction** The proposed restriction
15 placed on the sending parcels that prohibits expansion of the existing dwelling footprint beyond 50%
16 should be removed. In its review, the Planning Board determined that the R-ED, R-12 and R-20
17 zones do not currently prohibit an expansion of an existing dwelling greater than 50%. Meaning that
18 any preserved parcel neighbor may expand as large as they like however, the preserved parcel is
19 restricted to a 50% expansion. Such a distinction is unfair, especially given the small footprint of
20 many of the existing homes. Expansion of the existing homes should be supported for many policy
21 reasons—permitting owners to age in place, ensuring revitalization of neighborhoods and greater and
22 better use of a home. The Planning Board does not support this restriction unless it applies to all
23 other existing parcels . The Board finds that the proposed limitation on any new construction on a
24 sending property as 50 percent of the existing dwelling footprint may be a disincentive, and therefore
25 this issue should be given a closer evaluation.
- 26 • **Exchange process should mirror that for the West** The Planning Board recommends that the
27 process for exchanging density be the same as that in the West. As originally proposed it does not.
28 The Planning Board recommends that Council confirm with staff that the below language edits will
29 accomplish that purpose. Furthermore, the Planning Board suggests that the density be referred to as
30 bonus density throughout the legislation to make the purpose of the density clearer to citizens.
31 Examples include:
 - 32 ○ **C. Approval for Sending Development**
 - 33 ■ **An application for approval of the sending parcel SHALL be made...**
 - 34 ○ **D. Application for Receiving Development**

- An application for the use of the BONUS density...
- E. Approval of Receiving Development
 - The Department of Planning and Zoning shall tentatively approve the use of receiving BONUS density to the receiving development when the initial plan submission for the development is technically complete and BEFORE tentative housing unit allocations are granted.
- G. Recordation of sending parcels and receiving developments
 - Following the approval of the initial plan for the receiving development, the following documents shall be recorded TOGETHER in the land records of Howard County.


Mr. Gabowski moved to approve ZRA 95 as amended and Mr. Alexander, Jr. seconded the motion.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 8th day of May, 2008, recommends that ZRA 95, as described above, be approved, and recommends consideration of the observations and suggestions noted above.


HOWARD COUNTY PLANNING BOARD



Tammy J. Citaramanis, Chairman



David Grabowski, Vice-Chair



Linda A. Dombrowski




Gary Rosenbaum



Ramsey Alexander Jr.

ATTEST:



Marsha S. McLaughlin, Executive Secretary

Attachment 1

Recommended wording for R-20 regulations permitting development under R-ED and compliance with Title 16.144 Subdivision and Land Development Regulations and Title 3.100, Howard County Green Building Law.

Amend Section 108: R-20 by adding a new section F and renumbering current F as G.

F. Other Provisions

1. Development under R-ED Regulations – Green Development

a. Land in the R-20 District may be developed pursuant to the R-ED District regulations in their entirety, if the property to be developed is:

(1) Subdivided for single-family detached units only.

(2) A lot or group of contiguous lots with a combined total lot area of more than 100,000 square feet.

(3) Developed in accordance with the provisions of Title 16.144 and Title 3.100 of the Howard County Code.

b. Land developed pursuant to this Section is subject to the R-ED district regulations, including the requirement for Planning Board review.

[F] G. Conditional Uses